

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES GREEN,
Petitioner,

v.

MICHAEL D. KLOPOTOSKI, *et al.*,
Respondents

:
: CIVIL ACTION
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: No. 08-5581
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:
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Order

And now, this 3rd day of December, 2009, upon careful consideration of the instant petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, the government's response, the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa, and petitioner's objections thereto, it is hereby ORDERED that:

1. Petitioner's objections are OVERRULED.
2. The Report and Recommendation of United States Magistrate Judge Linda K. Caracappa is APPROVED and ADOPTED.
3. The petition for writ of habeas corpus is DISMISSED.
5. The petitioner having failed to make a substantial showing of the denial of a constitutional right, there is no ground to issue a certificate of appealability, see 28 U.S.C. § 2253(c).
6. The Clerk shall CLOSE this case statistically.

/s/ William H. Yohn Jr.
William H. Yohn Jr., Judge